
By: **Delegates Dumais, Holmes, Cryor, Feldman, King, Lee, and Murray**
Introduced and read first time: January 21, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Learner's Instructional Permit and Provisional Driver's**
3 **License - Restriction on Use of Communication Device While Driving**

4 FOR the purpose of requiring the Motor Vehicle Administration to impose a
5 restriction on learner's instructional permits and provisional driver's licenses
6 that prohibits permit holders or licensees from using a certain interactive
7 wireless communication device while operating a motor vehicle; providing for
8 certain exceptions; defining certain terms; and generally relating to prohibiting
9 the use of certain interactive wireless communication devices by a holder of a
10 learner's instructional permit or a provisional driver's licenses under certain
11 circumstances.

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 16-113
15 Annotated Code of Maryland
16 (2002 Replacement Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Transportation**

20 16-113.

21 (a) (1) In addition to the vision and other restrictions provided for in this
22 subtitle, when it issues a driver's license, the Administration for good cause may
23 impose on the licensee:

24 (i) Any restrictions suitable to the licensee's driving ability with
25 respect to the type of special mechanical control devices required on motor vehicles
26 that the licensee may drive;

27 (ii) An alcohol restriction which prohibits the licensee from driving
28 or attempting to drive a motor vehicle while having alcohol in the licensee's blood; and

1 (iii) Any other restrictions applicable to the licensee that the
2 Administration determines appropriate to assure the safe driving of a motor vehicle
3 by the licensee.

4 (2) An alcohol restriction that prohibits the licensee from driving or
5 attempting to drive a motor vehicle while having alcohol in the licensee's blood may,
6 as described in subsections (b) and (g) of this section, include a restriction that
7 prohibits the licensee from driving or attempting to drive a motor vehicle unless the
8 licensee is a participant in the Ignition Interlock System Program established under
9 § 16-404.1 of this title.

10 (b) (1) Notwithstanding the licensee's driving record, the Administration
11 shall impose on each licensee under the age of 21 years an alcohol restriction that
12 prohibits the licensee from driving or attempting to drive a motor vehicle while
13 having alcohol in the licensee's blood.

14 (2) An alcohol restriction imposed under this subsection expires when
15 the licensee reaches the age of 21 years.

16 (3) This subsection may not be construed or applied to limit:

17 (i) The authority of the Administration to impose on a licensee an
18 alcohol restriction described in subsection (a)(2) of this section; or

19 (ii) The application of any other provision of law that prohibits
20 consumption of an alcoholic beverage by an individual under the age of 21 years.

21 (4) An individual under the age of 21 years who is convicted of a violation
22 of § 21-902(a), (b), or (c) of this article may be required, for a period of not more than
23 3 years, to participate in the Ignition Interlock System Program in order to retain the
24 individual's driver's license.

25 (c) (1) Subject to the provisions of paragraph (2) of this subsection, the
26 Administration may:

27 (i) Issue a special restricted license; or

28 (ii) Set forth the restrictions on the usual license form.

29 (2) The Administration shall indicate on the license of a licensee under
30 the age of 21 years that an alcohol restriction has been imposed on the licensee under
31 subsection (b) of this section.

32 (d) (1) Notwithstanding the licensee's driving record, the Administration
33 shall impose an hour restriction on a provisional driver's license issued to an
34 applicant under the age of 18.

35 (2) The restriction under this subsection shall limit the holder of a
36 provisional license to driving unsupervised only between the hours of 5 a.m. and 12
37 midnight.

1 (3) This subsection does not preclude the holder of a provisional license
2 from driving between the hours of 12 midnight and 5 a.m. the following day if the
3 licensee is:

4 (i) Accompanied and supervised by a licensed driver who is at least
5 21 years old;

6 (ii) Driving to or from or in the course of the licensee's employment;

7 (iii) Driving to or from a school class or official school activity;

8 (iv) Driving to or from an organized volunteer program; or

9 (v) Driving to or from an opportunity to participate in an athletic
10 event or related training session.

11 (4) The hour restriction and the supervision requirement under this
12 subsection expire on the date the holder of the provisional license turns 18 years of
13 age.

14 (d-1) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
15 MEANINGS INDICATED.

16 (II) "INTERACTIVE WIRELESS COMMUNICATION DEVICE" MEANS
17 ANY WIRELESS ELECTRONIC COMMUNICATION DEVICE THAT PROVIDES FOR VOICE
18 OR DATA COMMUNICATION BETWEEN TWO OR MORE PARTIES, INCLUDING A MOBILE
19 OR CELLULAR TELEPHONE, A TEXT MESSAGING DEVICE, A PERSONAL DIGITAL
20 ASSISTANT THAT SENDS OR RECEIVES MESSAGES, OR A LAPTOP COMPUTER.

21 (III) "9-1-1 SYSTEM" HAS THE MEANING STATED IN § 1-301 OF THE
22 PUBLIC SAFETY ARTICLE.

23 (2) Notwithstanding the licensee's driving record, and subject to
24 paragraph [(2)] (4) of this subsection, the Administration shall impose a restriction on
25 each provisional driver's license prohibiting the licensee from:

26 (I) IF THE LICENSEE IS UNDER 18 YEARS OF AGE, operating a
27 motor vehicle if the driver and each passenger in the motor vehicle are not restrained
28 by a seat belt or, in accordance with § 22-412.2 of this article, by a child safety seat;
29 OR

30 (II) USING AN INTERACTIVE WIRELESS COMMUNICATION DEVICE
31 WHILE OPERATING A MOTOR VEHICLE.

32 (3) NOTWITHSTANDING THE DRIVING RECORD OF A HOLDER OF A
33 LEARNER'S INSTRUCTIONAL PERMIT, AND SUBJECT TO PARAGRAPH (4) OF THIS
34 SUBSECTION, THE ADMINISTRATION SHALL IMPOSE A RESTRICTION ON EACH
35 LEARNER'S INSTRUCTIONAL PERMIT PROHIBITING THE HOLDER FROM USING AN
36 INTERACTIVE WIRELESS COMMUNICATION DEVICE WHILE OPERATING A MOTOR
37 VEHICLE.

1 [(2)] (4) It is not a violation of the restriction [under]:

2 (I) UNDER paragraph [(1)](2)(I) of this subsection if an individual
3 covered by a medical exception under § 22-412.2(f) or § 22-412.3(d) and (e) of this
4 article is not restrained;

5 (II) UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION IF THE
6 LICENSEE USES AN INTERACTIVE WIRELESS COMMUNICATION DEVICE TO CONTACT
7 A 9-1-1 SYSTEM; OR

8 (III) UNDER PARAGRAPH (3) OF THIS SUBSECTION IF THE HOLDER
9 OF A LEARNER'S INSTRUCTIONAL PERMIT USES AN INTERACTIVE WIRELESS
10 COMMUNICATION DEVICE TO CONTACT A 9-1-1 SYSTEM.

11 [(3) The restrictions under paragraph (1) of this subsection expire on the
12 date that the holder of a provisional license turns 18 years of age.]

13 (e) (1) In addition to the other restrictions provided under this subtitle, the
14 Administration may issue:

15 (i) A driver's license that is valid only in the State of Maryland to
16 an applicant who has been suspended in another jurisdiction as a result of failing to
17 comply with the financial responsibility requirements of that jurisdiction; or

18 (ii) A temporary driver's license that is valid only in the State of
19 Maryland to an applicant for reinstatement of a suspended or revoked driver's
20 license, renewal of a driver's license, or a duplicate or corrected driver's license if, at
21 the time of application:

22 1. The applicant's privilege to drive in another jurisdiction is
23 revoked or suspended as a result of failing to comply with the licensing requirements
24 of that jurisdiction for which a comparable violation in this State would not have
25 resulted in revocation or suspension;

26 2. The initial violation that led to the revocation or
27 suspension did not occur within the preceding 5 years;

28 3. The applicant is otherwise qualified to be licensed in this
29 State; and

30 4. The Administration determines that the applicant will be
31 able to take any actions required by the other jurisdiction for reinstatement of the
32 privilege to drive in that jurisdiction.

33 (2) A temporary license issued under paragraph (1) of this subsection
34 shall be valid for 90 days.

35 (3) The Administration shall adopt regulations for the issuance of
36 temporary licenses under paragraph (1) of this subsection.

1 (f) After receiving satisfactory evidence of any violation of a restricted or
2 provisional driver's license, the Administration may suspend or revoke the license.
3 However, the licensee may request a hearing as provided for a suspension or
4 revocation under Subtitle 2 of this title.

5 (g) (1) The Administration shall impose an alcohol restriction under
6 subsection (a)(1)(ii) of this section that prohibits an individual for a period of 3 years
7 from driving or attempting to drive with alcohol in the individual's blood on any
8 licensee who is convicted within 5 years of any combination of two or more violations
9 under § 21-902(a), (b), or (c) of this article.

10 (2) If a circuit court or the District Court orders a licensee not to drive or
11 attempt to drive a motor vehicle with alcohol in the licensee's blood or orders, under §
12 27-107 of this article, the licensee to participate in the Ignition Interlock System
13 Program established under § 16-404.1 of this title, the Administration shall have the
14 licensee's driving record and driver's license reflect that the court ordered restriction
15 was imposed, and shall keep records of the order.

16 (h) An individual may not drive a vehicle in any manner that violates any
17 restriction imposed by the Administration in a restricted license issued to the
18 individual.

19 (i) An individual may not drive a vehicle in any manner that violates any
20 restriction imposed in a provisional license issued to the individual.

21 (j) An individual may not drive or attempt to drive a motor vehicle with
22 alcohol in the individual's blood in violation of a restriction imposed by a court.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2004.